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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 VICTOR MANUEL CASTANEDA-  
15 MONTES,

16 Defendant.

CASE NO. 15cr1103/16cv1521-LAB

**ORDER DENYING MOTION TO  
VACATE AND SET ASIDE SENTENCE  
[Dkt. 36]**

17 Victor Manuel Castaneda-Montes (Castaneda) filed a petition to vacate his sentence,  
18 arguing that the Court based the sentence, in part, on an unconstitutionally vague definition  
19 of “crime of violence,” previously used in §4B1.2 of the United States Federal Sentencing  
20 Guidelines. The Court stayed Castaneda’s petition pending the Supreme Court’s decision  
21 in *Beckles v. United States*, \_\_ U.S. \_\_, 137 S. Ct. 886 (2017). *Beckles* has been decided,  
22 and held “[t]he Federal Sentencing Guidelines are not subject to vagueness challenges  
23 under the Due Process Clause,” *id.* at 897, because the Guidelines do not implicate the twin  
24 concerns underlying the vagueness doctrine—namely “providing notice and preventing  
25 arbitrary enforcement” of the criminal law. *Id.* at 894. *Beckles* controls here and forecloses  
26 Castaneda’s argument.

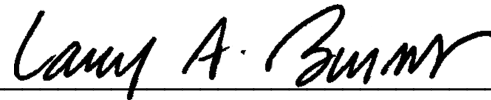
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1       The stay is now dissolved, and Castaneda's Motion to Vacate his sentence is  
2 **DENIED.**

3               **IT IS SO ORDERED.**

4 DATED: September 25, 2018

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7 **HONORABLE LARRY ALAN BURNS**  
8 **UNITED STATES DISTRICT JUDGE**  
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